



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,627	03/15/2004	Yuji Kawasaki	0756-7270	8404
31780	7590	04/06/2009	EXAMINER	
ERIC ROBINSON			EL-ZOOBI, MARIA	
PMB 955			ART UNIT	
21010 SOUTHBANK ST.			PAPER NUMBER	
POTOMAC FALLS, VA 20165			2614	
			MAIL DATE	DELIVERY MODE
			04/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,627

Applicant(s)

KAWASAKI ET AL.

Examiner

MARIA EL-ZOOBI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6, 8, 11, 13, 14, 16, 18 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 8, 11, 13, 14, 16, 18 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed on 03/25/2009 have been fully considered but they are not persuasive. Applicant argues the double patent rejection with Patent # 6,707484, Examiner respectfully disagrees. In the instant application, the independent claims 1, 4, 8, 11, 14 and 18 with the combination with any of the dependent claims 7, 10, 17 and 20 would result in a personal computer with processor, display keyboard, speaker, microphone, display, camera and "means for detecting a degree of tiredness of the user, means for modifying an image data obtained by the camera based on the degree of tiredness and means for transmitting the modified image data". In the Patent #6,707484, independent claim 1 "for example", claims a video phone comprising a camera, microphone and "means for detecting a degree of tiredness of the user, means for modifying said image data by image processing and means for transmitting the image processed image data", the claims in the instant application and the patent have the same scope and although the instant application claiming a computer and not a videophone it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use a videophone instead of a computer, also "a computer could be considered a videophone when used in a video-conferencing". Examiner maintains the double patent rejection.

Applicant also argues the combination of references; Examiner respectfully disagrees. Using of a known technique "i.e., integrating different unit in same housing " to improve similar devices is obvious to one with ordinary skill in the

Art Unit: 2614

art, one of ordinary skill in the art could have applied the known improvement technique in the same way to the base device and the results would have been predictable to one of ordinary skill in the art. In other words, having the speakers on the lower/upper side of the display, the speaker and microphone in the same housing and the keyboard and the positioning device on the same surface, would have been obvious to one with ordinary skill in the art to improve the device by minimize the space that the device would occupy by having these units separated.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2614

3. Claims 1, 3-4, 6-8, 10-11, 13-14, 16-18 and 20-32 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,707,484. Although the conflicting claims are not identical, they are not patentably distinct from each other because "see above explanation". Allowance of application's claims would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims 1-29.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-4, 6, 8, 11, 13-14, 16, 18-19 and 21-32 rejected under 35 U.S.C. 103(a) as being unpatentable over Pressman (US Patent 4, 645872) in view of Deacon (US Patent 5,515474) and further in view of Umezawa (US Patent 5,491507) in view of Bettini (US 5,438530) and further in view of Krakower (Des.332783).

Regarding claim1, Pressman disclose, a personal computer (Fig. 2) comprising:

a micro processing unit (Fig. 2 and Fig. 5, el. 31)

a display-unit operationally connected to the micro processing unit (Fig. 2)

Art Unit: 2614

14) a speaker operationally connected to the micro processing unit (Fig. 2, el. 12) wherein the microphone is provided on a lower side of the display unit (Fig. 2)

Keyboard (Fig. 2)

Pressman does not teach that wherein the speaker is provided on at least one side of the display unit, [[and]], and wherein the display unit, the speaker, and the microphone are included in a same housing. However, it is obvious to one with ordinary skill in the art to allocate the I/O devices in any way that suit the user need further more it is well known in the art to integrate multiple separate devices which work together in one unit.

Deacon discloses a computer with a keyboard and mouse "pointing device" and speakers (Fig. 1) wherein a speaker provided on at least one side of the display unit (Fig. 1, el. 15A and 15B).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman with Deacon to place the speaker in the desired arrangement that suit the user needs so to enable him/her to control the volume in easier way.

Pressman in view of Deacon does not expressly teach that wherein the display unit, the speaker, and the microphone are included in a same housing.

Umezawa discloses display, speaker and the microphone in the same housing (Fig. 1).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon with Umezawa teaching in order to have the desired design by the user so to save space on the user's desk.

Although Pressman in view of Deacon and further in view of Umezawa does not disclose the keyboard and the pointing device are included in a second housing. It would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon and further in view of Umezawa so to integrate separate known device in one unit so to save space on the user desk.

Bettini discloses a portable computer, wherein the keyboard and the mouse in the same housing (see Fig. 1).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon and further in view of Umezawa with Bettini teaching to have the keyboard and the mouse in the same housing so to save space on the user desk.

Therefore, It would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon and further in view of Umezawa with Bettini teaching to have the keyboard and the mouse in the same housing so to save space on the user desk.

Although the combination of references does not explicitly teach that the keyboard and the pointing device are provided on the same surface of the second housing, it would have been obvious to one with ordinary skill in the art,

at the time the invention was made to modify Pressman in view of Deacon in view of Umezawa and further in view of Bettini to use known technique "integrating separate unit in one housing" to improve similar device "computer". Krakower discloses a personal computer, wherein the keyboard and the pointing device in the same housing (see Fig. 1 and abstract). Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Pressman in view of Deacon and further in view of Umezawa in view of Bettini with Krakower to improve the used device "also see discussion above".

Regarding claim 3, Pressman in view of Deacon in view of Umezawa and further in view of Bettini discloses, the personal computer comprising a memory (Deacon: Fig. 2, el. 23-24).

Regarding claim 4, see claim 1 analysis also see; a camera operationally connected to the micro processing unit (Pressman: Fig. 2, el. 11) and the display unit, the speaker, the camera and the microphone are included in a same housing and the camera is on the upper side of the display (Umezawa: Fig. 1) and the camera is on the upper side of the display (Fig. 7).

Regarding claim 6, Pressman in view of Deacon in view of Umezawa and

Art Unit: 2614

further in view of Bettini discloses, the personal computer comprising a memory (Deacon: Fig. 2, el. 23-24).

Regarding claim 8, see claim 4 rejections, regarding the limitations, a multiplexer operationally connected to the memory (Pressman: Fig. 5, el. 44) a camera operationally connected to the multiplexer (see Fig. 4, Pressman) through a digital signal processor (Pressman: Fig. 11);

a microphone operationally connected to the multiplexer through an A/D converter (Deacon: Fig. 8C).

Regarding claim 11, see claim 1 rejection.

Regarding claim 13, see claim 3 rejection.

Regarding claim 14, see claim 4 rejection.

Regarding claim 16, see claims 3 and 13 rejections.

Regarding claim 18, see claim 8 rejection.

Regarding claim 21, Pressman in view of Deacon in view of Umezawa and further in view of Bettini discloses, wherein the pointing device is a mouse (see Bettini).

Regarding claim 22, see claim 21.

Regarding claim 23, see claim 21.

Regarding claim 24, see claim 21.

Regarding claim 25, see claim 21.

Regarding claim 26, see claim 21.

Regarding claim 27, Pressman in view of Deacon in view of Umezawa and further in view of Bettini discloses, wherein the personal computer transmits image data and voice data of a user to another personal computer through a transmission line (Pressman: Col. 13 and the abstract; discloses that the system is a conferencing system; which means it will transfer data, image and voice to the other party).

Regarding claim 28, see claim 27.

Regarding claim 29, see claim 27.

Regarding claim 30, see claim 27.

Regarding claim 31, see claim 27.

Regarding claim 32, see claim 27.

Allowable Subject Matter

6. Claims 7, 10, 17 and 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOBI whose telephone number

Art Unit: 2614

is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./

Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614